

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CHARLES ALPINE,	§	
	§	
Plaintiff,	§	
v.	§	Civil Action No. <b>3:17-CV-3147-L-BF</b>
	§	
WARDEN KENDALL RICHERSON;	§	
MAJOR JONNY R. EASTEP;	§	
SGT. JAVARIS C. MILLER;	§	
C.O. MAMAD U. TOURE; and	§	
SGT. BRUCE D. INHITFIELD,	§	
	§	
Defendants.	§	

**ORDER**

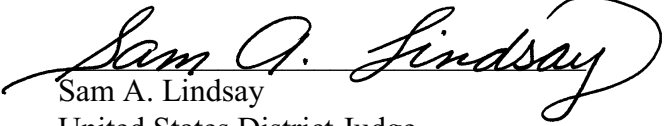
On November 27, 2017, United States Magistrate Judge Paul D. Stickney entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”), recommending that this action be dismissed without prejudice pursuant to 28 U.S.C. § 1915(g) unless Plaintiff paid the requisite filing fee within fourteen days of the filing of the Report. The magistrate judge also recommended that the court deny Plaintiff’s Application to Proceed In Forma Pauperis (Doc. 3). No objections to the Report were filed, and Plaintiff did not tender the filing fee or seek an extension to do so.

Having reviewed the pleadings, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court denies Plaintiff’s Application to Proceed In Forma Pauperis (Doc. 3), and **dismisses without prejudice** this action pursuant to 28 U.S.C. § 1915(g).

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court

**incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court **concludes** that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

**It is so ordered** this 22nd day of December, 2017.

  
Sam A. Lindsay  
United States District Judge